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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,920	09/17/1999	HIDEYUKI SAKAIDA	1982-0136P	9398
7590	01/05/2005		EXAMINER	
BIRCH STEWART KOLASCH & BIRCH LLP			COUSO, YON JUNG	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 220400747			2625	
DATE MAILED: 01/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/397,920	SAKAIDA, HIDEYUKI	
	Examiner	Art Unit	
	Yon Couso	2625	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2,4-13,15,17 and 19-22 is/are allowed.
- 6) Claim(s) 1, 3, 14, 16, 18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. Applicant's arguments filed July 30, 2004 have been fully considered but they are not persuasive.

The applicant argues that the Hirayabashi does not teach carrying out a first, initial image conversion, without previously enlarging which controls said original image data to said predetermined number of pixels. The newly added limitation, "without previously enlarging which controls said original image data to said predetermined number of pixels" is a negative limitation. Hirayabashi clearly discloses initial image conversion by obtaining, by first interpolation calculation, image data represented by a number of pixels which is one-half of the predetermined number of pixels, from the original image data represented by the predetermined number of pixels (figure 7c); preparing an intermediate image by repeatedly carrying out the first, initial image conversion at a rate of one-half of the number of pixels, until a number of pixels close to the required number is reached (figure 7d); and carrying out a second image conversion by obtaining, from the intermediate image, image data represented by the required number of pixels (406 in figure 6 and column 5, lines 48-54).

Note that the examiner is not relying on the step of enlarging an input image. However, the reference still read on every positive step recited in the claim by treating the enlarged image in Hirayabashi as an initial original image.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirabayashi et al.

The arguments advanced in paragraph 1 above as to the applicability of the reference are incorporated herein.

Hirabayashi teaches an image conversion method in which image data represented by a required number of pixels is obtained from original image data represented by a predetermined number of pixels (figure 7b), comprising the steps of: carrying out a first, initial image conversion, without previously enlarging which controls the original image data to the predetermined number of pixels, by obtaining, by first interpolation calculation, image data represented by a number of pixels which is one-half of the predetermined number of pixels, from the original image data represented by the predetermined number of pixels (figure 7c); preparing an intermediate image by repeatedly carrying out the first, initial image conversion at a rate of one-half of the number of pixels, until a number of pixels close to the required number is reached (figure 7d); and carrying out a second image conversion by obtaining, from the intermediate image, image data represented by the required number of pixels (406 in figure 6 and column 5, lines 48-54).

Hirabayashi teaches wherein the intermediate image has a number of pixels, which is greater than and closest to the required number of pixels (figure 7c).

3. Claims 2, 4-13, 15, 17, 19- 22 are allowed.
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

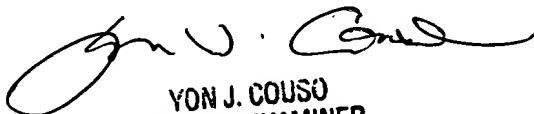
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YJC
January 4, 2005



YON J. COUSO
PRIMARY EXAMINER